

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W.A. DREW
EDMONDSON, in his capacity as ATTORNEY
GENERAL OF THE STATE OF OKLAHOMA and
OKLAHOMA SECRETARY OF THE ENVIRONMENT C.
MILES TOLBERT, in his capacity as the TRUSTEE FOR
NATURAL RESOURCES FOR THE STATE OF
OKLAHOMA,

Plaintiffs,

v.

TYSON FOODS, INC.; TYSON POULTRY, INC.; TYSON
CHICKEN, INC.; COBB-VANTRESS, INC.; AVIAGEN,
INC.; CAL-MAINE FOODS, INC.; CAL-MAINE FARMS,
INC.; CARGILL, INC.; CARGILL TURKEY
PRODUCTION, LLC; GEORGE'S, INC.; GEORGE'S
FARMS, INC.; PETERSON FARMS, INC.; SIMMONS
FOODS, INC.; and WILLOW BROOK FOODS, INC.,

Defendants.

Case No. 05-CV-0329 TCK-SAJ

**CARGILL TURKEY PRODUCTION, LLC'S
RULE 26(a)(1) DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Cargill Turkey Production, LLC ("Cargill") hereby makes the following initial disclosures:

INTRODUCTION

The following disclosures are based on the information known to Cargill as of today's date, based on reasonable investigation. Cargill's investigation is not complete and Cargill may supplement this disclosure based on further investigation and discovery.

By making these disclosures, Cargill does not represent that it is identifying every document, tangible thing or witness relevant to its claims and defenses in this lawsuit. Nor does Cargill waive its right to object to the production of any document or tangible thing on the basis of any privilege, the work-product doctrine, relevancy, undue burden, or any other valid objection.

Cargill's disclosures are made without in any way waiving (1) the right to object on the grounds of competency, privilege, relevancy, materiality, hearsay or any other proper ground to any such information for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action or (2) the right to object on any and all grounds at any time to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

All of the disclosures set forth below are made subject to the above objections and qualifications.

I. RULE 26(a)(1)(A): WITNESSES

In addition to individuals listed in the Rule 26(a) Disclosures served by plaintiffs, other defendants or third-party defendants, Defendant Cargill identifies the following individuals or entities who may have discoverable information that Cargill may use to support its defenses:

WITNESS¹		SUBJECT
Cargill's current contract growers in the IRW (see Appendix A)		Cargill's turkey production practices in the IRW
Tim T. Alsup Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Dr. James T. Barton Veterinarian (former) Cargill Turkey Production, LLC Fayetteville, AR		Cargill's turkey production practices in the IRW prior to December 2005
Charles W. Delap Breeder/Hatchery Manager Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW

¹ Current and former employees of Cargill, Inc., Cargill Meat Solutions Corporation and/or Cargill Turkey Production, LLC should not be contacted except through the undersigned counsel.

<u>WITNESS¹</u>		<u>SUBJECT</u>
Bryan K. Delozier Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Bobbi J. Devor Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Gregory Engelke Poultry Technology Deployment Manager Cargill Turkey Production, LLC Minneapolis, MN		Cargill's turkey production practices in the IRW
Robert L. James Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Dr. Daniel Karunakaran Veterinarian (former) Cargill Turkey Production, LLC Harrisburg, Virginia		Cargill's turkey production practices in the IRW prior to February 2005
Paul Edward Lawrence, Jr. Complex Manager II Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Timothy W. Maupin Vice President Cargill Value Added Meats Division Cargill Meat Solutions Corporation Wichita, KS		Cargill's turkey production practices in the IRW
Nathan D. Mefford Flock Management Supervisor (retired) Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW prior to August 2004

WITNESS¹		SUBJECT
John J. O'Carroll President Cargill Value Added Meats Division Cargill Meat Solutions Corporation Wichita, KS		Cargill's turkey production practices in the IRW
Sean P. Schader Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Jonathan D. Spearman Plant Operations Manager Cargill Value Added Meats Division Cargill Meat Solutions Corporation Wichita, KS		Cargill's turkey production practices in the IRW
Sarah R. Stafford Flock Management Supervisor Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
Jimmy J. Ward Live Production Manager Cargill Turkey Production, LLC Springdale, AR		Cargill's turkey production practices in the IRW
H. Steven Willardsen Vice President & General Manager Cargill Value Added Meats Division Cargill Meat Solutions Corporation Wichita, KS		Cargill's turkey production practices in the IRW
Officials from the following federal agencies: <ul style="list-style-type: none"> • U.S. Department of Agriculture • U.S. Department of Agriculture – Natural Resources Conservation Service • U.S. Environmental Protection Agency • U.S. Fish & Wildlife Service 		Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information

WITNESS¹		SUBJECT
<p>Officials from the following Oklahoma state agencies:</p> <ul style="list-style-type: none"> • Oklahoma Water Resources Board • Oklahoma Conservation Commission • Oklahoma Department of Agriculture, Food & Forestry • Oklahoma Department of Environmental Quality • Oklahoma Department of Mines • Oklahoma Tourism and Recreation Department • Oklahoma Energy Resources Board • Oklahoma Scenic Rivers Commission 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Officials from the following Arkansas state agencies:</p> <ul style="list-style-type: none"> • Arkansas Department of Pollution Control and Ecology • Arkansas Natural Resource Commission 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Officials from Oklahoma State University, including but not limited to:</p> <ul style="list-style-type: none"> • Agricultural Economics Department • Poultry Extension Office • Biosystems and Agricultural Engineering • Department of Plant and Soil Sciences 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>

WITNESS¹		SUBJECT
<p>Officials from University of Arkansas, including but not limited to:</p> <ul style="list-style-type: none"> • Agricultural Research Service – USDA • Animal Science Department • Arkansas Water Resources Center • Center for Excellence for Poultry Science • Cooperative Extension Service • Department Head, Poultry Science • Department of Agronomy • Department of Geosciences & Arkansas Water Resources Group 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Officials from the following county governments:</p> <ul style="list-style-type: none"> • Adair County • Cherokee County • Sequoyah County • Delaware County 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Officials from the following city governments:</p> <ul style="list-style-type: none"> • City of Watts • City of Westville – Westville Utility Authority • City of Tahlequah – Tahlequah Public Works Authority 		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Officials from the Arkansas-Oklahoma Arkansas River Basin Compact Commission</p>		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>
<p>Third Party Defendants</p>		<p>Poultry regulations, poultry litter regulations, poultry management, water quality regulations, watershed management and/or other relevant information</p>

II. RULE 26(a)(1)(B): DOCUMENTS

A. Cargill Documents

Defendant Cargill objects to producing documents that contain information that is confidential or proprietary to Cargill in the absence of a mutually agreeable confidentiality and protective order. Moreover, Defendant Cargill generally objects to the absence of any reasonable limit on date range or geographic scope for the claims set forth in Plaintiffs' First Amended Complaint. Solely for the purpose of providing these disclosures, Defendant Cargill identifies documents from April 2004 to present pertaining to Cargill's poultry growing operations within the Illinois River Watershed ("IRW"), an area Cargill understands to be geographically bounded by the Illinois River water basin down to and including Lake Tenkiller.

Subject to and without waiving the foregoing objections and limitations on responses, Defendant Cargill describes below by category documents that are in its possession, custody or control and that it may use to support its defenses:

- Cargill's contracts with its poultry growers in the IRW
- Cargill's Best Management Practices Manual
- Nutrient Management Information

The documents identified above are currently located at Cargill's facilities in Kansas, Minnesota or Arkansas and/or the offices of undersigned counsel. Pursuant to Section VI(B) of the parties' Joint Status Report and in accordance with the objections and limitations set forth in these disclosures, Defendant Cargill will either produce or make available for inspection the above-referenced documents on May 26, 2006.

B. Non-Party Documents

Although not in the possession, custody or control of Cargill, documents of the following third parties may be used in support of Cargill's defenses:

- Documents and reports in the possession, custody or control of the governmental agencies identified in Section I of this disclosure
- Documents in the possession, custody or control of Cargill's contract growers in the IRW

C. Documents of Other Parties

Although not in the possession, custody or control of Cargill, documents identified in the Rule 26(a) Disclosures served by plaintiffs, other defendants or third-party defendants also may contain discoverable information that Cargill may use to support its defenses.

III. RULE 26(a)(1)(C): DAMAGES

Defendant Cargill is not asserting any damage claims against Plaintiffs at this time.

Defendant Cargill seeks injunctive and other affirmative relief from Cross-claim Defendants and Third Party Defendants. Cargill will supplement this response in accordance with the requirements of the Federal Rules of Civil Procedure when it ascertains sufficient information to compute the amount of monetary damages, if any, for which Third Party Defendants may be responsible.

IV. RULE 26(a)(1)(D): INSURANCE

Because Plaintiffs' First Amended Complaint fails to identify both the dates of the occurrences and the amount of damages at issue, there are in excess of 50 insurance policies that *may* be available in this action. At Plaintiffs' request, Cargill will make available for inspection the policies for the insurance known to be in effect on June 13, 2005, the date this action was filed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 28th day of April, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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APPENDIX A

CARGILL'S CONTRACT GROWERS IN IRW

	Current Growers:
1.	Ron Aday, Aday Farm 12791 Baker Mountain Prairie Grove, AR 72753 Ph: 501-846-4043
2.	Rick Bickford, Bickford Farm P.O. Box 902 Lincoln, AR 72744 Ph: 501-824-4146
3.	Paul Biggs, Biggs Farm 18641 Nutmeg Lincoln, AR 72744 Ph: unknown
4.	Jamie D. Blankenship, J & C Farm 19298 McCarber Road Lincoln, AR 72744 Ph: 501-824-4499
5.	Ed Brigance, Brigance Farm 11488 S. Brigance Rd. Gentry, AR 72734 Ph: 501-746-2787
6.	Darrell Bush, Turkey Ridge Farm 579 Ford Lane Lowell, AR 72745 Ph: 501-248-1762
7.	Gary Crockett, Crockett Farm 19889 Fisher Ford Rd. Siloam Springs, AR 72761 Ph: 501-524-5745
8.	Ernest Doyle, Doyle Farm Rt. 3, Bx 1280 Stillwell, OK 74960 Ph: 918-778-3220

	Current Growers:
9.	David R. Edwards, Edwards Farm P.O. Box 158 Lincoln, AR 72744 Ph: unknown
10.	Norman Findahl, Findahl Farm 13932 S. AR Highway 265 West Fork, AR 72774 Ph: 501-846-4379
11.	Gary Fisher, Fisher Farm 20216 East 660 Rd. Tahlequah, OK 74464 Ph: 918-456-4956
12.	Dorlen Gibbs, Circle G Farms 9301 East Brown Rd. Lowell, AR 72745 Ph: 501-751-0104
13.	George Haegele, Haegele Farm 16082 Greasy Valley Prairie Grove, AR 72753 Ph.: 501-848-3295
14.	Gwenneth Horne, T & G Farm 13443 Bradley Ln. Prairie Grove, AR 72753 Ph: 501-846-2039
15.	Moua Joua, Joua M Farm 10390 N. Ark. Hwy 59 Summers, AR 72769 Ph: unknown
16.	Hancock Holdings, LLC, Kings Ranch P.O. Box 9106 Fayetteville, AR 72730 Ph: 479-790-2877
17.	Helen Masters, Masters Farm Rt. 2, Box 240

	Current Growers:
	Westville, OK 74965 Ph: 918-723-3030
18.	Scott Ramsey, Ramsey Farm 23442 Ballard Creek Summers, AR 72769 Ph: 501-824-5873
19.	Jim Reed, J & J Farm 1549 Reed Valley Rd. Lincoln, AR 72704 Ph: 501-442-7152
20.	Joan Roberts, Fairmount Farm 18951 Shady Grove Road Siloam Springs, AR 72761 Ph: 501-736-2013
21.	Nolen Roberts, Roberts Farm 18951 Shady Grove Road Siloam Springs, AR 72761 Ph: 501-736-2013
22.	Linda Rutherford, Rutherford Farm 12428 Rutherford Rd. Gentry, AR 72734 Ph: 479-736-2356
23.	Robert V. Schwabe, II, Hill Haven Farm 4053 Hwy 10 Kansas, OK 74347 Ph: 918-597-2834
24.	Charles Swearingen, Swearingen Farm 12253 Clyde Carnes Farmington, AR 72730 Ph: 501-267-2776
25.	Donna Thomas, Thomas Farm 13499 Bradley Lane Prairie Grove, AR 72753 Ph: 501-846-2647